Rec'd PCT/PTO 27 FEB 2006
10/523965

# DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

PHOTOCHROMIC AND ELECTROCHROMIC COMPOUNDS
AND METHODS OF SYNTHESIZING AND USING SAME

the specification of which

[ ] is attached hereto.

[X] was filed on February 7, 2005 as Application Serial No. 10/523,965 and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

| | | | Priority Claimed |
|---|---|---|---|
| _____ (Number) | _____ (Country) | _____ (Day/Month/Year Filed) | [ ] Yes [ ] No |
| _____ (Number) | _____ (Country) | _____ (Day/Month/Year Filed) | [ ] Yes [ ] No |
| _____ (Number) | _____ (Country) | _____ (Day/Month/Year Filed) | [ ] Yes [ ] No |

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

_____ (Application Serial No.) _____ (Filing Date)

Rec'd PCT/PTO 27 FEB 2006
10/523965

(Application Serial No.) (Filing Date)

I hereby claim the benefit under Title 35, United States Code, §120, of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| | | |
|---|---|---|
| 60/402,081 | August 9, 2002 | |
| (Application Ser . No.) | (Filing Date) | (Status) (patented, pending, abandoned) |
| 60/442,063 | January 24,2003 | |
| (Application Ser. No.) | (Filing Date) | (Status) (patented, pending, abandoned) |

I hereby appoint Gerald O. S. Oyen, Reg. No. 27,280, Blake R. Wiggs, Reg. No. 29,505, Bruce M. Green, Reg. No. 30,524, David J. McGruder, Reg. No. 32,375, Gavin N. Manning, Reg. No. 36,412, Hilton W. C. Sue, Reg. No. 51,325, Richard A. Johnson, Reg. No. 56,080, Grace S. Law, Reg. No. 56,135, Thomas W. Bailey, Reg. No. 36,411, George F. Kondor, Reg. No. 40,477, Craig A. Ash, Reg. No. 48,228, and Mark A. Hopkinson, Reg. No. 56,614, of the firm of OYEN, WIGGS, GREEN & MUTALA, 480 - The Station, 601 West Cordova Street, Vancouver, British Columbia V6B 1G1, Canada, Telephone No. (604) 669-3432, and Charles D. McClung, Reg. No. 26,568, of the firm of CHERNOFF, VILHAUER, McCLUNG & STENZEL, L.L.P., 1600 ODS Tower, 601 S.W. Second Avenue, Portland, Oregon 97204-3157, Telephone No. (503) 227-5631, my attorneys, jointly and individually, to prosecute this application and to transact all business in the Patent and Trademark Office comected therewith.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may

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jeopardize the validity of the application or any patent issued thereon.

Dated: Feb 15, 2006 J-W

Full name of 1st inventor: Neil R. Branda
Residence: North Vancouver, B.C.
Citizenship: Canada
Post Office Address: 1045 Prospect Avenue
North Vancouver, B.C. V7R 2M6
CANADA CAN

Dated: December 2, 2005 J-W

Full name of 2nd inventor: Andrea Peters
Residence: Clifton Park, NY NY
Citizenship: ~~U.S.A.~~ Canada
Post Office Address: 2B Red Maple Lane
Clifton Park, NY 12065, U.S.A.

Dated: Feb 15, 2006

Full name of 3rd inventor: Anthony J. Wigglesworth
Residence: Vancouver, B.C.
Citizenship: Canada
Post Office Address: ~~#104 - 1010 Salsbury Drive~~
~~Vancouver, B.C. V5L 4A7~~
CANADA

TW
154 Glenplace
Penticton BC
V2A 6T4

Rec'd PCT/PTO 27 FEB 2006

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**
**PATENT APPLICATION EXAMINING OPERATIONS**

10/523965

| | | |
|---|---|---|
| Appl. No. | : 10/523,965 | Confirmation No. |
| Applicant | : Branda, Neil R. | |
| Filed | : February 7, 2005 | |
| TC/A.U. | : | |
| Examiner | : | |
| Docket No. | : CDM/2353.0011 | |
| Customer No. | : 00152 | |

**CLAIM OF SMALL ENTITY STATUS**

1600 ODS Tower
601 S.W. Second Avenue
Portland, OR 97204

February 22, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant claims small entity.

Respectfully submitted,

Charles D. McClung
Reg. No. 26,568
Tel. No.: (503) 227-5631

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 22, 2006.

Dated: February 22, 2006

Charles D. McClung

Rec'd PCPTO 27 FEB 2006

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
## CERTIFICATE UNDER 37 CFR §3.73(b)

Applicant : Branda, Neil R.

App. No. : 10/523,965

Filed : Concurrently Herewith

Title : PHOTOCHROMIC AND ELECTROCHROMIC COMPOUNDS AND METHOD OF...

(Assignee) : Simon Fraser University, a university
(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

A. [X] An assignment from the inventor(s) of the patent application identified above.

**OR**

B. [ ] A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: _____ To: _____

The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy is attached.

2. From: _____ To: _____

The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy is attached.

[ ] Additional documents in the chain of title are listed on a supplemental sheet.

[X] Copies of assignments or other documents in the chain of title are attached. (Where one or more of the documents is unrecorded.)

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

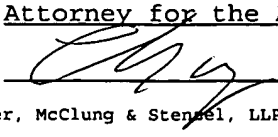
The undersigned (whose title is supplied below) is empowered to sign this Certificate on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date : February 22, 2006

Name : Charles D. McClung

Title : Attorney for the Assignee (copy of Power of Attorney attached)

Signature: 

Chernoff, Vilhauer, McClung & Stenzel, LLP
1600 ODS Tower
601 S.W. Second Avenue
Portland, Oregon 97204-3157
Tel.: (503) 227-5631

COPY

# ASSIGNMENT

WHEREAS, we, Neil R, Branda, whose address is 1045 Prospect Avenue, North Vancouver, B.C. V7R 2M6 Canada; Andrea Peters, whose address is ~~1223 Federal Avenue, Apt. 303, Los Angeles, CA 90025~~ 28 Red Maple Lane Clifton Park, NY 12065, USA; and Anthony J. Wigglesworth, whose address is ~~#104 - 1010 Salsbury Drive, Vancouver, British Columbia V5L 4A7, Canada~~ 154 Glen Place Penticton BC V2A 6T4, are the inventors of an invention entitled

PHOTOCHROMIC AND ELECTROCHROMIC COMPOUNDS AND METHODS OF SYNTHESIZING AND USING SAME

for which on February 7, 2005, we executed an application for United States letters patent, Serial No. 10/523,965;

NOW, THEREFORE, in consideration of One Dollar ($1.00) and other valuable consideration paid to us by Simon Fraser University, whose address is University/Industry Liaison Office, Room 2100, Strand Hall, Burnaby, British Columbia V5A 1S6 Canada, the receipt whereof is acknowledged, we do hereby assign unto the same Simon Fraser University the entire interest in said invention for the United States and all foreign countries and any letters patent to be issued therefor in the United States or any foreign country and any divisions, continuations, continuations-in-part, improvements, reissues or extensions that may be made or granted thereon.

AND the Commissioner of Patents and Trademarks is requested to issue such letters patent in accordance herewith. And we agree to execute further instruments proper for effectuating the premises.

EXECUTED at Burnaby this 15th day of February, 2006.

NRB

Neil R. Branda

EXECUTED at Niskayuna, NY this 2nd day of December, 2005.

Andrea Peters

EXECUTED at Burnaby this 15 day of February, 2006.

Anthony J. Wigglesworth

BEST AVAILABLE COPY

NOTARIAL CERTIFICATE

On this 15th day of FEBRUARY, 2005, before me, personally appeared Neil R. Branda, known to me to be the individual who executed the foregoing instrument, and who acknowledged to me that he executed the same of his own free will and for the purpose therein set forth.

A Commissioner for Oaths

COMMISSIONER FOR TAKING AFFIDAVITS
FOR BRITISH COLUMBIA
SIMON FRASER UNIVERSITY
8888 University Drive
Burnaby, BC V5A 1S6
ROBERT A. SZCZOTKO, B. Comm., C.G.A., C.P.P., C.P.M.

NOTARIAL CERTIFICATE

On this 2nd day of December, 2005, before me, personally appeared Andrea Peters, known to me to be the individual who executed the foregoing instrument, and who acknowledged to me that he executed the same of his own free will and for the purpose therein set forth.

A Commissioner for Oaths

PATRICK K. PATNODE, ESQ.
Notary Public - State of New York
Qualified in Saratoga County No. 02PA6088246
My Commission Expires March 3, 2007

NOTARIAL CERTIFICATE

On this 15th day of FEBRUARY, 2006, before me, personally appeared Anthony J. Wigglesworth, known to me to be the individual who executed the foregoing instrument, and who acknowledged to me that he executed the same of his own free will and for the purpose therein set forth.

A Commissioner for Oaths

COMMISSIONER FOR TAKING AFFIDAVITS
FOR BRITISH COLUMBIA
SIMON FRASER UNIVERSITY
8888 University Drive
Burnaby, BC V5A 1S6
ROBERT A. SZCZOTKO, B. Comm., C.G.A., C.P.P., C.P.M.

**STATEMENT OF ACCEPTANCE**

The foregoing Assignment is hereby accepted by the Assignee:

Simon Fraser University

(C/S)

By: E. Jean Trask

Title: E. Jean Trask, Associate Director
University / Industry Liaison Office
Simon Fraser University

Date: FEB 15 2006

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**DECLARATION AND POWER OF ATTORNEY** COPY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

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| | | | Priority Claimed |
|---|---|---|---|
| _____ (Number) | _____ (Country) | _____ (Day/Month/Year Filed) | [ ] Yes [ ] No |
| _____ (Number) | _____ (Country) | _____ (Day/Month/Year Filed) | [ ] Yes [ ] No |
| _____ (Number) | _____ (Country) | _____ (Day/Month/Year Filed) | [ ] Yes [ ] No |

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

_____
(Application Serial No.) (Filing Date)

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| (Application Serial No.) | (Filing Date) |
|---|---|

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| | | |
|---|---|---|
| 60/402,081 | August 9, 2002 | |
| (Application Ser . No.) | (Filing Date) | (Status) (patented, pending, abandoned) |
| 60/442,063 | January 24,2003 | |
| (Application Ser. No.) | (Filing Date) | (Status) (patented, pending, abandoned) |

I hereby appoint Gerald O. S. Oyen, Reg. No. 27,280, Blake R. Wiggs, Reg. No. 29,505, Bruce M. Green, Reg. No. 30,524, David J. McGruder, Reg. No. 32,375, Gavin N. Manning, Reg. No. 36,412, Hilton W. C. Sue, Reg. No. 51,325, Richard A. Johnson, Reg. No. 56,080, Grace S. Law, Reg. No. 56,135, Thomas W. Bailey, Reg. No. 36,411, George F. Kondor, Reg. No. 40,477, Craig A. Ash, Reg. No. 48,228, and Mark A. Hopkinson, Reg. No. 56,614, of the firm of OYEN, WIGGS, GREEN & MUTALA, 480 - The Station, 601 West Cordova Street, Vancouver, British Columbia V6B 1G1, Canada, Telephone No. (604) 669-3432, and Charles D. McClung, Reg. No. 26,568, of the firm of CHERNOFF, VILHAUER, McCLUNG & STENZEL, L.L.P., 1600 ODS Tower, 601 S.W. Second Avenue, Portland, Oregon 97204-3157, Telephone No. (503) 227-5631, my attorneys, jointly and individually, to prosecute this application and to transact all business in the Patent and Trademark Office comected therewith.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may

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jeopardize the validity of the application or any patent issued thereon.

Dated: Feb 15, 2006
Full name of 1st inventor
Residence
Citizenship
Post Office Address

Neil R. Branda
North Vancouver, B.C.
Canada
1045 Prospect Avenue
North Vancouver, B.C. V7R 2M6
CANADA

Dated: December 2, 2005
Full name of 2nd inventor
Residence
Citizenship
Post Office Address

Andrea Peters

Clifton Park, NY
~~U.S.A.~~ Canada
2B Red Maple Lane
Clifton Park, NY 12065, U.S.A.

Dated: Feb 15, 2006
Full name of 3rd inventor
Residence
Citizenship
Post Office Address

Anthony J. ~~Wigglesworth~~
Vancouver, B.C.
Canada
~~#104 - 1010 Salsbury Drive~~
~~Vancouver, B.C. V5L 4A7~~
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154 Glen Place
Penticton BC
V2A 6T4



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